

CREMER ASSOCIATES

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Cremer Associates
893 King William Dr.
Charlottesville, VA 22901
rickcremer@hotmail.com

U.S. Department of Transportation
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400 7th Street, SW
Room PL 401
Washington, D.C. 20591-0001

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Subject: Petition for Rulemaking
Re: Docket Number FAA-1999-5836

To whom it may concern:

In accordance with 14 Code of Federal Regulations (CFR) § 11.61 Cremer Associates hereby petitions the FAA to amend the effective date of revised 14 CFR part 145 that was published in the Federal Register on August 6, 2001 at 66 FR 41087 from April 6, 2003 to April 6, 2004

In order to comply with the requirements of the revised 14 CFR part 145 there is substantial amount of work that must be done by all repair stations between now and April 6, 2003 including a thorough and comprehensive review of all the provisions of the current part 145 as it compares to the revised part 145 and then, in part, the development of a new Repair Station Manuals that meet the requirements of § 145.209 and Quality Control Manuals that meet the requirements of § 145.211. It takes both human and fiscal resources for a certificate holder to comply with any new regulation and that is especially true when a regulation has been substantially revised in its entirety. Many, if not most, repair stations need some reasonable amount of time in order to budget the staff and resources necessary to effect the changes mandated by the new regulation. For small repair stations with only a few employees the burden could be substantial.

To date there has been no guidance or communications from the FAA that has provided the repair station industry with the FAA's expectations as to what standards or limitations the FAA may find acceptable with respect to the revised part 145. In order to comply with a regulation all certificate holders, including repair stations, depend on a combination of regulatory Preamble material, Interpretations, Advisory Circulars (ACs), FAA Orders and Notices (such as FAA Order 8300.10), Handbook Bulletins, and/or other appropriate guidance.

I do not believe that any Aviation Safety Inspectors (Airworthiness) has received any training or internal guidance or direction for the new part 145. In order for the FAA to implement a new or revised regulation it is incumbent on the agency to train its workforce and to issue internal guidance and direction so that the Aviation Safety Inspectors can advise, certificate, inspect, and surveillance their certificate holders accordingly.



893 KING WILLIAM DR., CHARLOTTESVILLE, VA 22901-0622
434-962-9405

I question how the FAA's Flight Standards District Offices (FSDOs) will be able to handle the many questions that may arise with respect to the revised regulation and how they will determine the acceptability of revised manuals that need to be submitted between now and April 6, 2003. Even though there is no FAA "approval" process for the revised manuals (Repair Station Manuals are "accepted", not "approved"), and even though a manual or manual revision may be placed into service without any formal FAA "approval" or concurrence, repair stations are hesitant to submit anything to the FAA without guidance and clarification as to the agency's expectations as to form and content of the new manuals required by 14 CFR § 145.209 and 145.211. The determination as to whether a manual is acceptable or not will almost certainly vary widely between individual FSDOs and Aviation Safety Inspectors since they have no guidance on how to determine what is, or is not, acceptable. That makes it a certainty that there will be a substantial amount of draft manuals being returned to repair stations with requests for them to be rewritten. Or they won't be reviewed at all. That will result in additional human and fiscal resources being needlessly expended on the part of the repair stations.

I am aware of a draft Advisory Circular that the FAA has placed on a web site for comment. However, ACs are not regulatory and, in the case of this particular draft AC, it has not yet been through a management review and concurrence process in the Flight Standards Service nor has it been through the Chief Counsel's office for its review and concurrence. In other words it has not been published in final form and is subject to substantial revision before the final product is published. I also note that the availability of the draft AC has not been published in the Federal Register. Although the availability of draft or final ACs are not required to be published in the Federal Register doing so provides the public with official notice that the document exists and that comments have been solicited.

I recently asked an Airworthiness Inspector at a FSDO that's responsible for several of my client's certificates what my clients should do and he could provide no advice. His comment was that he had received no direction from headquarters including a change to his Airworthiness Inspector's handbook (Order 8300.10), a Handbook or Information Bulletin, or Advisory Circular. He also wasn't even aware of the draft AC. He said "any new manuals submitted to his office would not be reviewed until guidance came from headquarters."

Although this one inspector's views were not necessarily representative of the inspector population at large or a reflection of the FAA's official view, it does suggest that a delay of the effective date is warranted.

Finally, a review of the relevant docket (FAA-1999-5836) indicates that there have been some adverse comments concerning the proposal to remove of Appendix A to part 145. To date the FAA has not, to my knowledge, disposed of the comments with respect to Direct Final Rule portion of the 14 CFR part 145 final rule (which pertains to the removal of Appendix A) published in the Federal Register on August 6, 2001 at 66 FR 41087.

14 CFR § 11.13 states "If we receive an adverse comment or notice of intent to file an adverse comment, we then withdraw the final rule before it becomes effective and may issue an NPRM." To that end I believe that it would be appropriate for the FAA to delay the compliance date of the revised part 145 as published in the Federal Register on August 6, 2001 at 66 FR 41087 in order to facilitate the disposition of the comments received with respect to the Appendix A issue.



The delay of an effective date of a regulation by the FAA is not without precedent. Recently the FAA delayed the effective date of the Service Difficulty Reports final rule until January 16, 2004 (See 67 FR 78970, Dec. 27, 2002.) This was the 4th such delay since the rule was first published on September 15, 2000 at 65 FR 56202.

In each case the delay was prompted by the FAA's decision to address industry concerns about the final rule and to allow the agency time for further consideration of industry concerns and completion of the notice of proposed rulemaking (NPRM) process. The concerns of the repair station industry are no less in this instance.

I believe that delaying the effective date of 14 CFR part 145 until April 6, 2004 is in the public interest because it will;

- have a positive effect on the regulatory compliance on the part of the repair station industry,
- decrease the fiscal and human resources necessary to comply with the new regulation,
- give the FAA an opportunity to issue advisory and directive materials and to train its Aviation Safety Inspector workforce,
- give the FAA the opportunity to comply with 14 CFR 11.13 and to dispose of the comments with respect to the Appendix A issue, and
- not adversely affect safety because repair stations will continue to operate in accordance with the existing 14 CFR part 145.

Respectfully submitted,

Rick Cremer
Cremer Associates



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